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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,200	10/19/2001	Norman Ken Ouchi		2842
41212	7590	07/12/2007		
NORMAN KEN OUCHI P.O. BOX 20111 SAN JOSE, CA 95160			EXAMINER CHOI, PETER H	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/036,200

Examiner

Peter Choi

Applicant(s)

OUCHI, NORMAN KEN

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 19 April 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.


**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

  
C. MICHELLE TARAE  
PRIMARY EXAMINER

Telephone No.

Continuation of 4(e) Other: In the amendment filed on April 19, 2007, the status identifier of pending claims 21-39 are incorrect. Claims 1-20 were initially filed on October 19, 2001, and claims 21-39 were added in an amendment received February 16, 2006. Therefore, claims 21-39 are not original claims to the initial disclosure. Status identifiers are relative to the initial disclosure, and not relative to the most current claims on which an Office Action has been received. For example, although claim 22 has not been amended since being added on February 16, 2006, since it was not part of the initial disclosure (limited in this case to claims 1-20), the proper status identifier under 37 CFR 1.121(c) is "Previously presented".

Similarly, any of claims 21-39 that have not been amended since February 16, 2006 (for example, claims 24-28, 35-39) should have one of the following status identifiers: Previously Presented, Previously Amended; Previously Added; Previously Submitted; Previously Presented Claim.

Any of claims 21-39 that have been amended since the most outstanding Office Action received (in this case, any amendments received after the mailing of the Office Action on November 2, 2006) should have one of the following status identifiers: Currently amended, Presently Amended, Currently Amended Claim.

In summary, if the Applicant were to add new claim 40, the proper status identifier would be: "New, Newly added, or New Claim". If the Applicant were to amend one of claims 21-39, the proper status identifier would be: "Currently Amended, Presently Amended, and Currently Amended Claim".

The Examiner also notes that the amendment filed on April 19, 2007 seems to be a modification of the claim amendment submitted on July 23, 2006, and not an updated version of the claim amendment submitted on January 24, 2007. It is unclear whether this was intentional, as the scope of each set of claims is different.